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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,566	03/11/2004	Toshikazu Morisawa	008312-0308741	4821

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PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

EXAMINER

AMADIZ, RODNEY

ART UNIT	PAPER NUMBER
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2629

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/797,566

Applicant(s)

MORISAWA, TOSHIKAZU

Examiner

Rodney Amadiz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/11/04 & 6/26/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities:

Claim 1 recites the limitation "the set display brightness" in line 10. There is insufficient antecedent basis for this limitation in the claim. Examiner assumes that "the set display brightness" is referring to the value that is mentioned in line 7 ("setting the display brightness")

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3 and 7-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Yong et al. (USPGPUB 2004/0012556—herein referred to as "Yong").

As to **Claims 1 and 12**, Yong teaches an information processing apparatus comprising: a display device capable of changing a display brightness (**Fig. 2, Reference Number 30 and Pg. 2, ¶'s 8, 17 and 18**); means for detecting a peripheral illuminance of the display device (**Fig. 2, Reference Number 34**); means for setting the

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display brightness of the display device in accordance with the detected illuminance (*Pg. 2, ¶ 19*); means for correcting the set display brightness (*Fig. 3 and Pg. 2, ¶ 22 and Pg. 3, ¶'s 25-29*); and means for changing a brightness correction amount corrected in accordance with the detected illuminance (*Fig. 3 and Pg. 2, ¶ 22 and Pg. 3, ¶'s 25-29*).

As to **Claim 2**, Yong teaches that the means for setting the display brightness determines the brightness of the display device on the basis of a predetermined brightness setting pattern which defines a brightness change amount in a change of illuminance, and sets the display brightness of the display device in accordance with the illuminance detected by the means for detecting the illuminance (*Fig. 3 and Pg. 2, ¶ 22 and Pg. 3, ¶'s 25-29*).

As to **Claim 3**, Yong teaches that the means for changing the correction amount comprises correction brightness setting patterns in which the brightness change amount to the change in illuminance is changed stepwise from the predetermined brightness setting pattern at a predetermined ratio, and means for selecting one of the correction brightness setting patterns, and the means for correcting corrects a variable brightness amount to the change in illumination by means for adjusting the display brightness in accordance with the brightness change amount to the change in illuminance that is defined in the selected correction brightness setting pattern (*Fig. 3 and Pg. 2, ¶ 22 and Pg. 3, ¶'s 25-29*).

As to **Claims 7 and 13**, Yong teaches an information processing apparatus comprising: a display device capable of changing a display brightness (*Fig. 2,*

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Reference Number 30 and Pg. 2, ¶'s 8, 17 and 18); means for detecting a peripheral illuminance of the display device (**Fig. 2, Reference Number 34**); means for setting the display brightness of the display device in accordance with the illuminance detected by the illuminance means for detecting (**Pg. 2, ¶ 19**); means for changing the display brightness within a predetermined brightness range using the set display brightness as a reference (**Fig. 3 and Pg. 2, ¶'s 21-22 and Pg. 3, ¶'s 25-29**); and means for determining the predetermined brightness range changed by the means for changing in accordance with the detected illuminance (**Fig. 3 and Pg. 2, ¶'s 21-22 and Pg. 3, ¶'s 25-29**).

As to **Claim 8**, Yong teaches means for storing a plurality of correction patterns which define the predetermined brightness range (**Fig. 2, Reference Number 42**), means for selecting a correction pattern from the plurality of patterns (**Fig. 2, Reference Number 44**), wherein the means for determining the predetermined brightness range determines the predetermined brightness range in accordance with the correction pattern selected by the means for selecting and the illuminance detected by the means for detecting (**See Fig. 3 and Pg. 2, ¶'s 21-22 and Pg. 3, ¶'s 25-29**).

As to **Claim 9**, Yong teaches that the means for changing can change the brightness stepwise with a predetermined change width within the predetermined brightness range (**See Fig. 3 and Pg. 2, ¶'s 21-22 and Pg. 3, ¶'s 25-29**).

As to **Claim 10**, Yong teaches that the predetermined change width is changed in accordance with the illuminance (**See Fig. 3 and Pg. 2, ¶'s 21-22 and Pg. 3, ¶'s 25-29**).

As to **Claims 11 and 14**, Yong teaches an information processing apparatus comprising: a display device capable of changing a display brightness (***Fig. 2, Reference Number 30 and Pg. 2, ¶'s 8, 17 and 18***); means for detecting a peripheral illuminance of the display device (***Fig. 2, Reference Number 34***); means for setting the display brightness of the display device in accordance with the illuminance detected by the illuminance means for detecting (***Pg. 2, ¶ 19***); means for changing the display brightness with a predetermined brightness width using the set display brightness as a reference (***Fig. 3 and Pg. 2, ¶'s 21-22 and Pg. 3, ¶'s 25-29***); and means for determining the predetermined brightness width changed by the means for changing in accordance with the detected illuminance (***Fig. 3 and Pg. 2, ¶'s 21-22 and Pg. 3, ¶'s 25-29***).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yong in view of Wagner (U.S. Patent 5,933,130—herein referred to as “Wagner”).

As to **Claim 4**, Yong teaches the means for setting the display brightness has a plurality of sets of correction brightness setting patterns for respective brightness conversion characteristics (***See Fig. 3 and Pg. 2, ¶'s 21-22 and Pg. 3, ¶'s 25-29***).

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Yong; however, fails to teach that the means for selecting further comprises a graphic user interface which is displayed on the display device so as to be able to select each of the plurality of sets of correction brightness setting patterns prepared in the means for setting. Examiner cites Wagner to teach a graphic user interface which is displayed on the display device so as to be able to select each of the plurality of sets of correction brightness setting patterns prepared in the means for setting (**See Fig. 7 and Col. 9, lines 5-16**). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the use of a graphical user interface displayed on the display device as taught by Wagner in the information processing apparatus taught by Yong in order to provide the user with a reliable visible feedback.

As to **Claim 5**, Yong, as modified by Wang, teaches the graphic user interface displaying a graph of each set of correction brightness setting patterns to be selected by the means for selecting, so as to be able to select each set (**Wang—See Fig. 7 and Col. 9, lines 5-16**).

As to **Claim 6**, Yong, as modified by Wang, teaches the means for selecting includes means for performing, by predetermined key input operation, selection of the set of correction brightness setting patterns and selection of a correction brightness setting pattern in the selected set (**Wang—See Fig. 7 and Col. 9, lines 5-16—note use of keyboard**).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shimomura et al.	U.S. Patent 5,406,305
Weindorf	U.S. Patent 6,762,741
Davis	U.S. Patent 6,870,529
Gettemy	U.S. Patent 6,947,017

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney Amadiz whose telephone number is (571) 272-7762. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (571) 272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RA.
R.A.
3/19/07
Division 2629


SUMATI LEFKOWITZ
SUPERVISORY PATENT EXAMINER